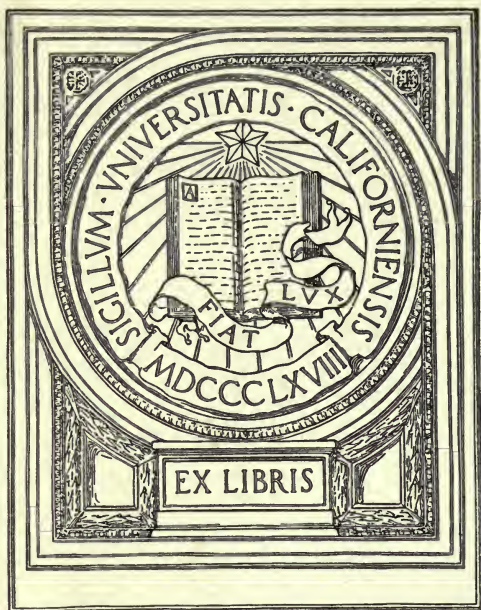


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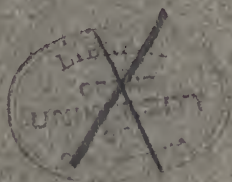
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REPUBLIC OF MEXICO

and Men of the American Foreign Service

BY
DR. J. EDWARD BUCKLEY

MEMBER:
CHICAGO MEDICAL SOCIETY AND SONS OF THE AMERICAN REVOLUTION,
CHICAGO, ILLINOIS.



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From the St. Paul Pioneer Press, Friday, October 28, 1910.

WOULD PROTECT COUNTRYMEN.

DR. BUCKLEY FEARS FOR AMERICAN CITIZENS IN MEXICO.

Dr. J. Edward Buckley of Spokane, Wash., son of the late J. M. Buckley of the Northern Pacific railroad, and a former resident of St. Paul, is endeavoring to procure proper protection for American citizens in the republic of Mexico, where, he says, great disrespect for them is shown. Several days ago, while in Crawfordsville, Ind., he wrote letters to the two candidates for United States senator from Indiana, asking them to state through the press or in political speeches whether, if elected, they would grant audiences and active personal service in protecting American citizens sojourning in Mexico.

If the assertions of Dr. Buckley are true, there is an absolute lack of respect for American people and their government in Mexico, and riots and stonings of their homes and business places are frequent. Dr. Buckley says he has viewed the situation at first hand and is thoroughly aroused to the necessity of procuring protection for his countrymen in Diaz's country. He is constantly bringing pressure to bear on the state department at Washington, but, he says, has received little satisfaction. Dr. Buckley has therefore started out to get action through Congress.



Typical street scene in Ajuchitlan, four days' ride to nearest consulate.
Aid denied me by James G. Bailey.

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WASHINGTON, D. C., November 19th, 1910.

State Senators and Representatives of the General Assembly.

GENTLEMEN: May you grant pardon, that you may have called to your immediate attention the necessity of using your good office in eliminating from the Federal Senate a factor of force—known if you please, as the personal equation—wherein it may apply to unworthy appointees serving your Government in the foreign service.

Already has it been demonstrated that your countrymen sojourning and traveling in foreign lands, constituting as they do the vanguard of your American commerce, and holding a position in the building of this Nation, not unlike the pioneer who blazed the highways of the great and mighty West, are denied succour and aid at the hands of your federal foreign service. Not only this, but such aid as would be gladly vouchsafed your countrymen by the honorable gentlemen of your Federal Senate and House of Representatives, is by your President and his Department of State nullified, and the petitioner (a citizen of the United States) is deprived the rights, which are his by right of birth.

To make the preceding declaration without pointing out to you the evidence with dates, would be valueless and serve to no purpose, in this a just and humane cause.

Then, Gentlemen, you will grant a few moments of your time and acquaint yourselves with the subject-matter of the three petitions for writs of mandamus herein published, not that the petitioner thought of securing them, but that these facts would come before the Senate in a manner under oath, the same being of record in the Supreme Court of the District of Columbia.

Also note the attitude of your President, the Honorable William H. Taft; the Acting Secretary of State, Honorable Huntington Wilson, and the American Ambassador at Mexico, D. F., Honorable H. L. Wilson, which was made of public record in the associated press dispatches.

In an associated press dispatch dated at Washington, D. C., December 11, 1909, the Honorable E. H. Hinshaw, a Representative from the State of Nebraska, avers that the Honorable William H. Taft stated that he doubted the word of his countryman sojourning in the Republic of Mexico relative to the attitude of the American Embassy at Mexico City.

Very promptly, indeed on December 16, 1909, the late Señor Mariscal, Minister of Foreign Relations for the Republic of Mexico, repudiated the attitude taken by the Honorable William H. Taft, through the medium of the Mexican Herald, averring that the Mexican Government had received no official advice relative to the American citizen, Mr. William Cook, the railroad conductor, then under discussion.

Then again, this petitioner was denied recognition by your Embassy at Mexico City December 28, 1909, in an hour of distress and very urgently in need of getting in touch with the office of the American Embassy. More than this, by a false report rendered, by the Charges d'affaires for the Embassy, James G. Bailey, Esq., to the Department of State, this petitioner was temporarily deprived the services of the Federal Senate, by reason of the fact that the Acting Secretary of State, the Honorable Huntington Wilson, after an implied study of the respective reports of this petitioner and Bailey, concluded to dismiss the matter with disdain, condemning the petitioner and condoning Bailey. Subsequently, on the 20th of August, 1910, said Huntington Wilson declared through the New York Herald that there was no foun-

dation of truth in this petitioner's story; nevertheless, on the following day, August 21, 1910, the American Ambassador, Honorable Henry Lane Wilson, authenticated the petitioner's story, but sustained the un-American attitude of James G. Bailey, Esq., and gave public notice through the Mexican Herald that the Federal Department of State had whitewashed and sustained Bailey.

View the personnel of your American Ambassador, Honorable Henry Lane Wilson, approaching Mexico with stately mien. The press agent at Mexico City at psychic periods presented half tones of Wilson's classic features in four views: one in his diplomatic pose, chin resting on hand; and the final front and rear profile; but alas the X-ray delineations of the concealed dynamo of his Grecian skull appeared not. Perhaps his subtle mind cheated the master delineator of his inordinately animate matter. However, that automatic wagging telltale of the human race, revealed Diplomat Wilson's treasured meditations that he had come not to conquer, but to be a factor with "the American red blood of the Anglo-Saxon race in the upbuilding of the Mexican Aztec."—The Mexican Herald, April 9, 1910.

Now is not this a pretty mess? The Department of State made responsible for its false declarations by an American Ambassador, Honorable H. L. Wilson, who is recognized to be the most capable and efficient diplomat in Mr. Taft's service; this statement is made by reason of numerous petitions having been forwarded in the latter months of 1910 from Mexico City and other places in the Republic, requesting President Taft to appoint Colonel Theodore Roosevelt as the American Ambassador to Mexico, and in the event of his inability to accept then the most efficient and forceful American citizen at his command.

Under these conditions, what else could or may you expect at the hands of the "cultured" Mexican, other than what has transpired in the past and is occurring today, riots, with assaults upon Americans and their homes in Guadalajara in 1909, which was passed as an incident, and the turmoil which reigns throughout Mexico today, with assaults upon Americans, their homes and the kidnapping of a sweet and helpless sixteen year old American girl, from the state of Nebraska, who was visiting friends in Mexico.

The personal equation in the Senate is a question for you, gentlemen, because you designate the personnel of the Senate. It is their personnel that supplies, gentlemen, for the foreign service; instead of by promotion from the ranks of the American consular service, where you may find trained and accomplished diplomats.

Considering then, the friends of the gentleman who have been arraigned in the petition for writs of mandamus, to wit: Honorable S. M. Cullom, United States Senator from Illinois, a friend of Huntington Wilson, the Assistant Secretary of State; Honorable William O. Bradley, United States Senator from Kentucky, a friend of James G. Bailey, Esq., on the waiting list; Honorable John H. Wilson—aspiring to be returned to the United States Senate, from Washington, brother of the Ambassador, Honorable H. L. Wilson at Mexico; Honorable Henry C. Lodge, United States Senator from Massachusetts, a friend of Hurbert H. D. Pierce, Minister to Christiana; Colonel Theodore Roosevelt, ex-President, a friend of Robert Bacon, Ambassador at Paris; the friend of Jacob Sleeper, Esq., until recently secretary at Berne, is not essential, in that Sleeper has resigned under fire according to best advices from the official register of the Department of State—it must, therefore, be apparent to you that your service is essential in calling to the attention of the Federal Senators the necessity of bringing these men who are

designated in the petitions for writs of mandamus, before a trial committee of the Senate, there to defend and clear themselves, failing to do so, resign. The more so now that the Honorable Henry C. Lodge has stated that he is without authority to act in the matter. In his letter November 11, 1910, dated at Barrister Hall, Boston, Mass., he conceded the propriety and good judgment for such investigation; but refers it to the President and Secretary of State, through which channel it has already passed, and wherein efforts have been made to whitewash the gentlemen under consideration; necessitating, then, this petitioner's solicitation for investigation of the charges filed against the aforesaid men, which automatically reverts to the United States Senate.

It requires no argument to show that gentlemen of the Federal Senate may not afford to shoulder the weight of lame ducks.

I have the honor to be

Your servant,

Dr. J. Edward Buckley.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

Law. No. 52860.

UNITED STATES OF AMERICA *ex Rel.* JAMES EDWARD BUCKLEY, Petitioner,
vs.

THE SECRETARY OF STATE OF THE UNITED STATES OF AMERICA, Defendant.

To the Honorable the Justices of the Supreme Court of the District of Columbia:

The petitioner, James Edward Buckley, respectfully states as follows:

1. That he is a citizen of the United States and a resident of Chicago, in the State of Illinois.
2. That the defendant, Philander C. Knox, is the Secretary of State of the United States of America, and as such is, by virtue of his office, the legal custodian of all public correspondence and public documents relating to the affairs of the Department of State, and is sued in his official capacity as such.
3. That the petitioner, by profession a physician in the United States, during the latter part of 1908, the entire year 1909, and a portion of 1910, as an American citizen, has been interested in mining in the Republic of Mexico, and had occasion in connection with that business to do much traveling between different points in that country, and registered as an American citizen with the American Consul at Vera Cruz, Mexico, April 17, 1909, being advised by said Consul at that time not to register at any more Consulates, and that if any question arose concerning petitioner's registration or citizenship the Consul General at Mexico City, Mexico, should and could be advised of the registration at Vera Cruz or other place.

4. That while petitioner was sojourning in the town of Ajuchitlan, State of Guerrero, Republic of Mexico, about December 23, 1909, it was, as subsequent events disclosed, his misfortune to be called to attend professionally a Mexican, one Senor Francisco Castilla, of the City of Mexico, who had been confined to his bed four days suffering of appendicitis as diagnosed by petitioner; that one Senor Greg de la Puente had persistently solicited and urged petitioner to attend the said Castilla, but petitioner had equally as persistently declined to do so, it not being his intention to practice his profession in Mexico; finally, after having been urged for a long time to take charge of the case, petitioner consented to visit Castilla, and found him in bed in a very critical condition. Petitioner informed him that he had appendicitis, and that he should call in the Mexican physician who was practicing there, first, because petitioner had business interests calling him to the City of Mexico, and, secondly, because petitioner had no desire to practice his profession in that country; but Castilla refused to do as suggested, and thereupon clasped petitioner's hand and begged the latter not to leave him. For a moment, petitioner studied this unfortunate Mexican begging an American physician to sacrifice his private interests and make the fight for a human life, and as it is the first and most important duty of an American physician to lessen suffering and save life if possible, the battle against death began at 3:25 P. M., December 23, 1909, and was waged continuously for one hundred and thirty hours without sleep on the part of this petitioner. During this period, and after the patient against all orders had left his bed several times, causing a relapse on each occasion, petitioner by the express permission of his patient, Castilla, was compelled to administer two hypodermic injections of cocaine, confronted as he was by a most serious situation. Before the alkaloid could perform its functions, the temperature of the man increased to 107 Fahrenheit, and the sick man felt that he was dying, saying "This is the end of my sickness." Petitioner was preparing for another hypodermic, if necessary, when Castilla, the patient, called his friend, Puente, before named, who had been sent for petitioner in the first place, and informed him (not in petitioner's presence) that petitioner had given him a hypodermic injection of cocaine without his, Castilla's, permission; that he was dying, and to notify the police authorities at Cayuca, Punga-rabato, Arcelia, and Teloloapam, Mexican towns. Thereupon Puente came from the invalid's chamber, and in a very important voice demanded to know by what right petitioner had used the hypodermic, asking petitioner if he did not know the laws of Mexico, and saying that he, Puente, had received instructions from Senor Castilla to wire the police authorities in the above-named localities, and at the same time he, Puente, secured a portion of the alkaloid (cocaine) that petitioner had used, saying "This is the drug." By strategy, petitioner obtained from him the portion of the cocaine, and preserved it himself. Petitioner continued to treat the patient, disregarding the threatened arrest, but, notwithstanding that petitioner, a member in good standing then and now of the Chicago Medical Society, was registered as an American physician at Mexico City, D. F., August 16, 1909, and at Tampico, Mexico, December 23, 1908; and as an American citizen at Tampico in January, 1909, and at Vera Cruz, Mexico, April 17, 1909, because of the attitude assumed by Castilla and his friend Puente, in the case he was attending, petitioner was fearful of arrest and imprisonment. Therefore, on the morning of the 26th of December, 1909, the authorities having taken no action looking to his arrest because Puente had been unable to reach them by tele-

graph, the wires being down, petitioner called at the telegraph office and sent a message to the American Ambassador, as follows:

"De Ajuchitlan á Mexico 27 (6) de Diciembre de 1909.

Senor Honorable Henry Lane Wilson, American Ambassador, Domicilio American Embassy:

"Kindly advise Presidente Porfirio Diaz that full authority without liability of arrest in case of death must be given me as Doctor for Francisco Castilla of Mexico or yo will refuse to take care of him carried him through three nights.

DÓCTOR J. EDWARD BUCKLEY OF CHICAGO."

That said telegram was received by one James G. Bailey, Esq., then Charge d'Affaires, at the American Embassy, in Mexico City, on the 28th of December, 1909. But, notwithstanding the apparent emergency of petitioner's telegram, which on its face disclosed the danger of his arrest and imprisonment, (which meant life imprisonment and consequent death in that country if the patient, Castilla, should die, with all evidence of his disease interred and decaying, and no friend at hand to aid petitioner), the said Bailey, Charge d'Affaires aforesaid, absolutely ignored petitioner's appeal as a registered American physician and citizen, of which registration said Bailey was fully cognizant, or could readily have been by communication with petitioner or the proper authorities at any of the places of registration named; and, for all he, the said Bailey knew, by his utter disregard of so important and urgent a message, he left petitioner to the tender mercies of the local Mexican authorities, whose hatred for Americans is ill-concealed. Nevertheless, petitioner continued, as he was bound to do by professional duty and obligation, to attend and treat the aforesaid Castilla, regardless of his repeated disobedience of orders, on one occasion, near the end of the treatment, petitioner finding him dressed, in the act of passing out the room into the garden, when petitioner informed him that he would quit the case. Recognizing, however, that the Mexican law would hold him to strict accountability, petitioner continued on the case, and finally Castilla yielded to persuasion and returned to his bed, where he remained under relapse until the second of January, 1910, when, for the first time, permission was given by petitioner that he might leave his bed. No less than three times, relapses having occurred by his, Castilla's stubborn refusal to regard petitioner's medical advice, had petitioner saved this Mexican's life; yet, he had directed petitioner's arrest through his friend Puente, and only as a result of the wires being down to each of the places named, was petitioner, in view of the total disregard of his urgent telegram for help by James G. Bailey, Charge d'Affaires, saved from a torturous death in a Mexican dungeon. On January 12, 1910, Castilla having fully recovered and been discharged by petitioner, (an act of God having intervened to save petitioner's life or liberty, the American Charge d'Affaires, James G. Bailey, aforesaid, having arrogantly ignored and treated with contempt petitioner's appeal for asylum), petitioner called at the American Embassy at Mexico City in person, and upon requesting an explanation of Mr. Bailey, as to why he had thus placed petitioner, a registered American citizen and physician in good standing in his own country in jeopardy of life and liberty by ignoring his telegraphic appeal for aid, the said James G. Bailey, Charge d'Affaires replied *"That the Embassy would pay no attention to such a message, nor to an*

American UNTIL HE WAS ACTUALLY IN PRISON." Immediately petitioner's mind reverted to the case of the unfortunate railroad conductor, Mr. James A. Cook, at that time unjustly held, without judgment or reason, in durance vile in a Mexican prison at Guadalajara, afterwards convicted but eventually re-appointed to his old position as a conductor, after unjust trial, conviction and imprisonment by Mexican authorities, and no aid rendered him by such American diplomatic representatives.

5. That thereupon the petitioner prepared and forwarded to the Department of State, through Congressman Charles E. Townsend of Michigan, and Senator Wesley L. Jones, United States Senator from the State of Washington, a full and complete history of his case, as related in preceding paragraphs, and charged the said James G. Bailey, Esq., then Charge d'Affaires of the American Embassy at Mexico City, Republic of Mexico, with deliberately and willfully ignoring the telegram of an American citizen, in violation of all American and International Law, calling for help, therein and thereby placing an American citizen, this petitioner, his liberty, possibly his life, in jeopardy during the period from December 28, 1909, to January 9, 1910.

6. That in reply to the letter of Senator Wesley L. Jones transmitting said charges, documents, photographs, etc., in the matter of said neglect of his duty and oath of office by the said James G. Bailey, then Charge d'Affaires at Mexico City, the Department of State on March 5, 1910, addressed the following communication to Senator Jones:

DEPARTMENT OF STATE,
WASHINGTON, March 5, 1910.

"The Honorable Wesley L. Jones, United States Senate.

SIR: Referring to the Department's letter of the 12th ultimo, on the subject of the complaint of Dr. J. Edward Buckley that Mr. James G. Bailey, the American Charge d'Affaires at Mexico City, failed to pay any attention to a telegram sent by Dr. Buckley to the Embassy on December 27 last, concerning his liability to criminal prosecution in case a Mexican citizen whom he was called in to attend for appendicitis, should die, I have the honor to inform you that the Department is in receipt of a despatch, dated the 18th ultimo, from Mr. Bailey, in which he answers Dr. Buckley's complaint.

The substance of Mr. Bailey's answer is as follows:

Under date of December 28, 1909, the Embassy received a telegram from Dr. Buckley, the literal transcription of which reads:

'AJUCHITLAN, 27 de Dic. de 1909.

Honorable Henry Lane Wilson, American Ambassador, American Embassy:

Kindly advise Presidente Porfirio Diaz that full authority without liability of arrest in case of death must be given me as dr for Francisco Castilla of Mexico or you will refuse to take care of him. Cissie ham through thru.

DR. J. EDWARD BUCKLEY of Chicago.

NOTE: rectificado dos ocasiones con ofna Telefonica.'

Immediately upon receipt of the above telegram, Mr. Bailey caused the files of the Embassy to be searched, but nothing could be found on record to indicate the identity, profession or even citizenship of Dr. Buckley, and Mr. Bailey's non-compliance with the request to present the matter to President Diaz was, he says, governed by the following reasons:

1. The President of Mexico is not empowered to grant authority to practice medicine. This can only be obtained from the proper local officials, after complying with the prescribed regulations, namely, standing the necessary examinations and paying the license tax.

2. The President of Mexico has not the authority to grant immunity from liability to punishment in anticipation of a crime. All criminal and illegal

actions come under the authority and jurisdiction of the local courts, after which, in case of conviction, the President may be petitioned for clemency.

3. The Embassy had no information whatever concerning Dr. Buckley; he is not registered as an American citizen; and there was no data in the Embassy which threw any light on any possible case with which he might be identified. Mr. Bailey states that if he had made any formal representations, it is certain that the reply of the Mexican Government would have been that more complete data be obtained before taking of a complaint.

4. Mr. Bailey made no formal representation in Dr. Buckley's case, because there was nothing in his telegram to indicate that he had any desire other than that of evading the legal penalties for practicing his profession without first complying with the provisions of Mexican law. Dr. Buckley had no case whatever, Mr. Bailey says, not being able to allege a denial of justice. There was no arrest, no indictment, no molestation of any character—whence it follows that he can not justly charge the Embassy with refusing the protection due an American citizen.

Mr. Bailey's course in the matter appears to the Department to have been proper, and the Department has so advised him.

I have the honor to be, Sir,
Your obedient servant,

(Signed)

HUNTINGTON WILSON,
Acting Secretary of State."

7. Petitioner avers that from this garbled, incomplete statement of the substance of said Bailey's defense of his conduct or neglect of duty, it will be observed, this petitioner believes, that grave injustice has been done him, and that it is wholly evasive, false, and intended to deceive and mislead not only the Department of State, but a United States Senator, who was legitimately and properly seeking information on behalf of an American citizen.

8. Petitioner further avers that because of the failure of the Department of State to furnish his representative, Senator Wesley L. Jones, with a verbatim copy of the defense made by said Bailey, he the petitioner has been unjustly degraded, humiliated, insulted and injured in his good name and reputation in the estimation of his countrymen, for therein the abortive attempt is made, in defense of his own unlawful, un-American conduct, to circulate and create the impression that petitioner was a criminal, violating the laws of Mexico, and seeking to evade the legal penalties, in having practiced his profession without registration, whereas, in the light of all the records in the case, in possession of the said Department of State, it only tends to establish the total incompetency, ignorance and neglect of duty on the part of said Bailey, and his unfitness for the responsible position he holds in the diplomatic service of our country, for he thereby seeks to save himself by degrading and breaking a fellow American citizen, all of which the Department of State, through the Acting Secretary of State, Hon. Huntington Wilson, upholds, approves or condones according to its letter to Senator Jones of March 5, 1910.

9. The law of the United States guarantees to every American citizen, *whether registered or not*, while travelling in foreign countries, as this petitioner was, protection and immunity from seizure or arrest, imprisonment and punishment without due process of law, but, notwithstanding this, when petitioner, a properly registered American citizen and physician, called in a case of extreme emergency, a matter of life or death, to render aid to a dying man, who afterwards, mistakenly, seeks to have him, the petitioner, imprisoned for doing his professional duty, and performing an act of mercy, ac-

cording to his best professional skill, telegraphed the American Charge d'Affaires, the aforesaid James G. Bailey, who received the telegram and opened it, though addressed to the Ambassador, for succor, he repudiates it, denies the relief by ignoring the appeal, and when questioned as to the propriety or legality of his conduct, says "The American Embassy will pay no attention to such a telegram asking for aid, or until the American citizen is ACTUALLY IN PRISON," and when said Bailey is called upon by the Department of State, at the instance of a United States Senator, for a complete defense of his apparently un-American, unjust, unlawful conduct and neglect of duty in denying an American citizen the relief so urgently requested (whether or not the danger was actual or imagined), which might have resulted in imprisonment and death if the patient Castilla had died, totally evades the real issue involved, and sends to the Department of State, presumably considering his communication privileged, a slanderous, scurrilous and false defense of his conduct in reply to the charges of this petitioner, which charges were based upon the absolute truth, and said false, garbled substance of said defense is furnished this petitioner, through Senator Jones, to which, it is respectfully submitted, no proper reply or answer can be made by this petitioner, which this petitioner is entitled to make in order to clear his good name and reputation from the stigma and false impressions created by said Bailey's efforts to shield himself from the charge of having refused an American citizen asylum or aid in distress, when threatened with arrest, imprisonment and possible death in a Nation at one time humiliated and whipped by America, which defeat and humiliation still rankles in the breasts of natives of the Republic of Mexico.

10. Your petitioner avers that the said James G. Bailey while Charge d'Affaires at Mexico City, had no right to presume to elect what petitioner's purpose was in sending the telegram referred to, and what petitioner's legal status was; that he had no right to presume anything; but on the contrary a direct, specific duty to perform, which he neglected and refused to do; that he had received an urgent telegram, which he states the Mexican authorities would have recognized from a man alleging himself to be an American citizen, and it did not matter whether petitioner was registered at the Embassy or not, or whether the telegram was intelligent or not, or what his, Bailey's, opinion was of petitioner's legal status; he knew one thing: That there was an American at Ajuchitlan claiming to be an American citizen, and believing his liberty if not his life to be in imminent danger; and petitioner believes and avers that it was the duty of said Bailey, as Charge d'Affaires to have gotten in immediate communication with the petitioner, to inquire where, if at all, he was registered as a citizen, or to have at once requested the Federal Authorities at Mexico City, where he was located, to communicate with the Chief of Politics at Cayuca or Catelan and have that official command the Mexican physician living at Ajuchitlan to report to petitioner at the bed-side of Castilla for consultation, which Castilla had refused to permit at petitioner's request, when, in the event of death, there could have been an autopsy ordered, and the cause of death determined by the Faculty of Medicine, which would have exonerated petitioner in the face of a death-bed statement by Castilla.

11. Petitioner further avers that when said Bailey insinuates that petitioner was a criminal, anticipating a crime, under the jurisdiction of certain local authorities, seeking to evade the legal penalties for his violation of

Mexican law; that petitioner could not be licensed to practice his profession in Mexico without examination; that the Embassy had no information concerning petitioner; and that the petitioner had no desire other than that of evading the legal penalties for practicing his profession without first complying with the provisions of the Mexican law, all of which is contained only in the "substance" of his defense or report forwarded to Senator Jones by the Department, he places petitioner at a great disadvantage, and the latter is unable to properly reply or justify himself before the Department of State and the country unless he is placed in possession of the complete defense as made by said Bailey to the charges preferred by this petitioner; and unless he has before him the entire subject-matter for such reply as he deems essential and important for his own justification and protection as an American citizen.

12. That your petitioner is advised and therefore avers that he can have no other remedy at law for the grievances herein complained of, or to otherwise secure a copy of said report or defense of the said James G. Bailey, because said document is in the exclusive control and possession of the Secretary of State, or his subordinates, who are under his control, and refuses to deliver a copy thereof to this petitioner although demand in writing has been made for same under date of August 10, 1910, by this petitioner, which demand, as in the case of the telegram referred to, has been contemptuously ignored and denied. And petitioner further avers that it is absolutely material for the assertion of his rights as an American citizen that the said Secretary of State of the United States of America be required to furnish this petitioner a copy of the whole report of defense aforesaid, or to allow petitioner access to the public record for the purpose of securing such a copy.

The petitioner, James Edward Buckley, therefore respectfully prays:

1. That a writ of mandamus be issued commanding, requiring and enjoining the said Philander C. Knox, Secretary of State of the United States of America, to file in this Court or turn over and deliver to this petitioner a copy of the original report or defense aforesaid as made by the said James G. Bailey, then Charge d'Affaires of the American Embassy at Mexico City, Republic of Mexico, in answer to charges of neglect of duty and the denying of an American citizen aid or asylum which he was entitled to under the law;

2. That a rule may be issued by this Court and served upon the defendant requiring him to appear and show cause on a day named why the said writ of mandamus should not be issued, and why the prayers of this petition should not be granted;

3. That such other and further relief be granted by the Court to your petitioner as to the Court may seem proper.

JAMES EDWARD BUCKLEY.

DISTRICT OF COLUMBIA, ss:

Before the subscriber, F. Edward Mitchell, a Notary Public in and for the District of Columbia, personally appeared the affiant, James Edward Buckley, who says he has duly read the foregoing petition by him subscribed; and knows the contents thereof; that the matters and things therein stated on personal knowledge are true, and those upon information and belief he believes to be true.

JAMES EDWARD BUCKLEY.

Subscribed and sworn to before me this 19 day of Aug. A. D., 1910.

F. EDWARD MITCHELL,

Notary Public in and for D. of C.

The preceding four paragraphs of this petition for writ of mandamus, Law No. 52946, are the same in fact as the first seven in the preceding petition for writ of mandamus, Law number 52860.

(5) That, in view of these charges by this petitioner, in an interview with Acting Secretary of State, Mr. Huntington Wilson, published through the mediumship of the Herald Bureau, No. 1502 H Street, N. W., this city, of date Saturday, August 20, 1910, that official assumed the responsibility of declaring "that there was no foundation for Dr. Buckley's allegations, and that he, said Huntington Wilson, had caused an investigation to be made and reported upon to the effect that **NOTHING COULD BE FOUND TO BEAR OUT THE PHYSICIAN'S STORY;**" that this petitioner has made demand upon the Department of State authorities for a verbatim copy of said report of said investigation branding this petitioner's charges as false, in order that petitioner might make proper reply thereto and protect his reputation and interests at home and abroad, but his demand has been treated with contempt.

(6) That in view of the denial contained in said interview, wherein this petitioner's charges were denounced as untrue, among others, that when his own life or liberty was apparently in jeopardy, he was refused aid by the American Charge d'Affaires at Mexico City, and, as he is informed, and believes, that in many instances the lives and liberty of Americans have been jeopardized with no effort on the part of American diplomats to intervene in their behalf, this petitioner, upon information and belief, alleges that during the incumbency in office of Robert Bacon, H. H. D. Pierce, the former Ambassador to Paris, the latter Minister to Norway, and the aforesaid Huntington Wilson, it was their policy to shield men in the foreign service who violated the rules of the Department of State, and further to condone their acts and the un-American administration of their offices, privately and publicly, through the medium of the public press, and at the same time to discredit this petitioner when demanding investigation of existing wrongdoing on the part of the said men of the foreign service, and also, that the Hon. Henry Lane Wilson, Ambassador at Mexico, D. F., caused to be published in the Mexican Herald of August 21, 1910, an interview commending the attitude and championing the course of one James G. Bailey, Charge d'Affaires of the Embassy, Mexico City, in refusing to recognize the urgent telegram referred to from an American citizen calling for help, believing his life or liberty in danger; in failing to advise the Department of State of the urgent telegraphic request for assistance; and in having ignored this petitioner's appeal for relief for twelve consecutive days, after which this petitioner called at the Embassy for an explanation, there to be informed by said Bailey that the Embassy "would pay no attention to Americans unless they were actually in prison," and further that on the 29th day of March, 1910, Ambassador Henry Lane Wilson had ill-advised this petitioner relative to the medical law of Mexico governing registration of American physicians, and the practice of medicine in the Republic of Mexico; and by letter of April 1st, 1910, denied this petitioner, an American citizen and a member of the Chicago Medical Association asylum; that said Ambassador Henry Lane Wilson, in the Mexican Herald of Aug. 21, 1910, had, inferentially, notified the American residents

and travellers in the Republic of Mexico that it would be the policy and purpose of the American Embassy there to deny asylum or aid to American citizens, and ignore urgent communications calling for assistance or intervention, on the ground that "IT MAY BE DIPLOMATICALLY CORRECT;" that said Ambassador Wilson had previously closed the American Consulate General at Mexico, D. F., (Hon. Arnold Shanklin, Consul General) as an Asylum to American citizens, which necessitated this petitioner appealing to the British Minister, Hon. Reginald Tower, April 2, 1910, from whom he did receive help, April 4, 1910, Sunday intervening, the half-tone letters of Ambassador Wilson, Minister Tower, and Consul General Shanklin, pp. 28-31, in a pamphlet entitled "Round-up of the American Foreign Service," copies of which were mailed at Houston, Texas, in May last to President Taft and each of his Cabinet, establish the allegations of this petitioner.

(7) That in further refutation of the public denial aforesaid of Acting Secretary Huntington Wilson, and in corroboration of the allegations of this petitioner, he avers to be true the above allegations, but, on information and belief, he alleges that many other American citizens have been and are now receiving extremely disagreeable and cruel treatment at the hands of Mexican authorities, namely, the Sanborn case, where nine Mexicans including a girl had been shot to death, on Sanborn's ranch. Young Sanborn had been shot in the neck, and he shot in self-defense, the Mexican who did the shooting escaping. But Sanborn, an American citizen, was arrested charged with having shot the girl while she asked for mercy. The autopsy disclosed that her wound was from a 45-caliber bullet. At this juncture the Mexican Herald sent one of its men to the scene, who immediately discovered that the revolver Sanborn used was 38 caliber, yet the stigma rests upon Sanborn, and he was only admitted to bail.

(8) That an American boy, eighteen years old, from Texas, who when aroused from his slumber by the cry of distress, coming from a young girl, rushed to her assistance to find a Mexican bending over the proprietor of the place. The boy was compelled to shoot to save his life. The American boy has been sentenced to ten years in the penitentiary.

(9) That the American conductor at Mexico, D. F., is now under sentence to be shot, having been convicted, though he shot a negro in self-defense; and that in a very recent case, a young Chicago business man, one W. H. Austin, was thrown in prison in Mexico, D. F., held 36 days incommunicado; sued for damages in the meantime, the right to defend denied him, and judgment by default taken. He was also denied the privilege of visiting his wife during critical illness at her home.

(10) That in the case of conductor C. S. Stover, who was liberated from prison by the efforts of Senator F. E. Warren, and conductor W. L. Speed, who likewise was liberated from prison through the services of Hon. Rufus Hardy, Congressman from Texas, for thirteen months they were unjustly confined in Mexican prisons; and in the recent cases of the American conductors Englehart, Haley, Chattin, Parish, who are now in prison at Guaymos Sonora; they were arrested, thrown in prison, held for thirty days and their whereabouts unknown to their friends for that period.

(11) That in the case of L. H. Mayfield, who now resides at Prescott, Arizona, O. R. C. Div. 503, on the night of Nov. 19, 1907, he discovered his Mexican brakeman had been robbing a merchandise car of thirty pairs of shoes,

caused the brakeman's arrest, at Sileo, State of Guanaguato, Mexico, who, however, was promptly released, and the American conductor Mayfield thrown into prison on a trumped up charge. The American Trainmen, engineers and conductors, at once combined, rebelled and compelled the Mexican authorities to release Mr. Mayfield.

(12) The reverse is true in the case of conductor William Cook at Guadalajara. Six months after his arrest, the time for a preliminary hearing having expired, the case was on Jan. 12, 1910, transferred to the jurisdiction of the Prosecutor of Justice. Six months in prison, denied bail, he was finally prosecuted, convicted and sentenced by Mexican authorities. After some time bail was accepted. But with no intervention on the part of American foreign service, and all this when Cook was absolutely innocent, as this petitioner is informed and believes, and as is evidenced by the fact that the railroad authorities, whom he was charged with complicity in robbing, reinstated him in their employ. Mayfield knew the Mexican brakeman was robbing; but was himself put in prison; Cook knew nothing of the robberies committed, but was also put in prison by the Mexican authorities.

(13) That in the matter of Joe Woods, an American engineer, who had charge of a fellow engineer's estate, Woods was arrested and thrown in Monterey prison, where he was confined for three months to Jan 23, 1910. He was finally released, it being held there was no evidence of wrong intent, and only a technical violation of the law due to lack of knowledge on the part of Woods. There had been no theft and no crime committed by him; that in the case of Louis F. Fleischner, June 15, 1910, an American banker and land owner, he was imprisoned in Mexico across the line from Nogales, on the charge of smuggling. He managed to escape from prison across the lines. The Mexican authorities at once began extradition proceedings with the Department of State, which would probably have granted the request, but fortunately there was a good American citizen on the bench at Tombstone, Arizona, Judge Dean, who granted a writ of habeas corpus and thus terminated the possibility of an exchange of "diplomatically correct courtesies" and the surrender of an American citizen for prosecution or persecution. Unhappily, petitioner is informed and believes, the authority in charge of the Mexican prison, a Mexican lieutenant, having Fleischner in charge, is now suffering a prison penalty because of that American's escape.

(14) That, petitioner is informed and believes, it is notorious that the business places and clubs of American citizens and hotels where they stopped have been stoned by Mexicans; that an American citizen was cut down in the public street by a Mexican gendarme, all in the state of Guadalajara, where the American conductor Cook was confined in prison for six months before trial, all of which this petitioner on information and belief alleges in substantiation of his charges, which have been so publicly denied by the American diplomatic officials, and which this petitioner avers is complete demonstration of the contempt existing for American citizens in the Republic of Mexico, notwithstanding said public denials.

(15) That such cases of unjust, illegal and insolent treatment of American citizens in the Republic of Mexico might be related indefinitely, and not only this petitioner but, according to Congressman Edmund Howard Hinshaw of Nebraska, many American citizens have been compelled to appeal to foreign consuls, the British and others, for aid, although President Taft has ex-

pressed his doubts as to this being the fact; but the Associated Press dispatch, dated Washington, December 11, 1909, bears out this statement:

"Representative Hinshaw of Nebraska, today took up with President Taft the case of William Cook, the American conductor on the Mexican Central Railroad imprisoned at Guadalajara, Mexico, on a charge of larceny.

"Mr. Hinshaw told the President that he had been informed that American residents of Mexican cities were often compelled to resort to application to English and other foreign consuls instead of to representatives of their own country in order to secure action from the Mexican government.

"The president said he doubted this. He referred Mr. Hinshaw to Secretary Knox and told him to ask the Secretary to make a statement of the case to the president."

(16) That the Minister of Foreign Relations, for Mexico, Senor Mariscal, promptly repudiated this statement, as will be seen by the following quotation from the Mexican Herald, of December 16, 1909:

"On being asked whether the Mexican government had taken any cognizance of the case of Conductor Cook, of Guadalajara, who was in prison on the accusation of complicity in the robbing of the train in his charge, and whether any communication had been made to the government by the governor of the State of Texas, as was to be inferred from telegrams received from El Paso, Minister Mariscal of foreign relations *stated that no communication of any sort had been made to the Mexican government and that he was not officially aware of the agitation alluded to.*

(17) Petitioner further avers that when the said Mr. Huntington Wilson, Acting Secretary of State, in a public interview condemns and denies as false the allegations and charges as made by this petitioner to the Department of State, through United States Senators and otherwise, and by branding as false such charges, he has greatly humiliated and placed at great disadvantage this petitioner, and petitioner is unable to properly reply or justify himself before the Department and the country unless he is placed in possession of the complete report of the investigation alleged to have been made by the said Huntington Wilson, Acting Secretary of State, as made to the charges preferred by this petitioner, and unless this petitioner has before him the entire subject-matter of said report for such reply as he deems essential and important for his own justification and the protection of his interests as an American citizen.

(18) That petitioner is advised and therefore avers that he can have no other remedy at law for the grievances herein complained of, or to otherwise secure a copy of said report of said investigation, because said document is in the exclusive control and possession of the Secretary of State, or his subordinates who are under his control, and refuses to deliver a copy thereof to this petitioner, although demand has been made in writing, which demand has been ignored, as in the case of the telegram this petitioner sent the charge d'affaires at Mexico City, asking for help when he believed his liberty or life in danger. Petitioner further avers that it is absolutely material for the assertion of his rights as an American citizen that the said Secretary of State of the United States of America be required to furnish this petitioner a copy of the entire report of the investigation made by the said Acting Secretary of State, Huntington Wilson, or to allow this petitioner access to the records, that he may procure a copy of said report himself.

The petitioner, James Edward Buckley, therefore respectfully prays:

(1) That a writ of mandamus be issued commanding and requiring the said Phllander C. Knox, Secretary of State of the United States of America,

to file in this Court or turn over and deliver to this petitioner a copy of the original report and investigation aforesaid as made by or to Acting Secretary of State Huntington Wilson in answer to the charges of neglect of duty on the part of American diplomatic officials and the denial of relief due American citizens which **THEY WERE ENTITLED TO UNDER THE LAW.**

(2) That a rule may be issued by this Court and served upon the defendant requiring him to appear and show cause on a day named why the said writ of mandamus should not issue and why the prayers of this petition should not be granted.

(3) That such other and further relief be granted by the Court to your petitioner as the Court may deem proper.

(Signed)

JAMES EDWARD BUCKLEY.

ROB'T E. MATTINGLY,

Att'y for Petitioner.

DISTRICT OF COLUMBIA :

Before me the subscriber personally appeared the affiant, James Edward Buckley, who says he has duly read the foregoing petition by him subscribed; and knows the contents thereof; that the matters and things therein stated on personal knowledge are true, and those upon information and belief he believes to be true.

(Signed)

JAMES EDWARD BUCKLEY.

Subscribed and sworn to before me this 3rd day of October, A. D., 1910.

(Signed)

F. EDWARD MITCHELL,

Notary Public in and for D. of C.

[SEAL N. P.]

Emcroft L.

WASHINGTON, D. C., November 8, 1910.

Hon. Henry Cabot Lodge, U. S. Senator, Boston, Mass.

SIR: The battle in the field of politics has been closed. There is another one to be fought out; the selection of proper and truly representative citizens for the United States Senate. The State of Massachusetts has this obligation on its hands.

It is therefore very proper that you should be requested, and you are, with due respect, hereby requested to cause a committee of gentlemen of the United States Senate to be appointed to investigate the charges filed against your kinsman or protege, at least your appointee,—the Hon. Hurbert H. D. Pierce, now United States Minister to Christiana; also, the Hon. Robert Bacon, American Ambassador at Paris, including for investigation the charges filed against Jacob Sleeper, Esq., who until recently was Secretary of the American Legation at Berne. Mr. Sleeper, however, seems to have withdrawn from the American foreign service—under my fire,—his name not appearing on the Register of the Department of State, issued Sept. 27, 1910.

You are further requested to cause this committee to be appointed for the purpose aforementioned, immediately on the convention of Congress December next, year 1910. And further to cause Messrs. Pierce and Bacon to be removed from office if the charges filed against them as indicated in my petition for writ of mandamus against the Department of State, dated Sept. 24, 1910, law No. 52927, are proven to have occurred. A copy of the petition for said writ herewith accompanying.

These conditions are not new to you.

In 1906 you received a pamphlet which was issued at that time, the subject-matter having passed through the office of the President, the Honorable Theodore Roosevelt, and his Department of State, one of which pamphlets was mailed to you. Also was the President, the Honorable Theodore Roosevelt, your friend, and his Department of State fully aware of the conditions or could have made themselves so. Yet, in the face of the fact known to you all, the President, the Hon. Theodore Roosevelt, your friend, who according to associated press dispatches has been denouncing federal judges and men of honor, did appoint your kinsman or protege, Mr. Pierce, to the high office as Minister at Christiana, Norway, and you permitted his name to pass the Senate. Nevertheless, you both knew, at least had reason to have known, that an official lie had been sent out from the office of Mr. Pierce who was at the time the Third Ass't Secretary of State, and subsequently denied by an alleged interview in the New York Herald June 8, 1906, constituting an accumulative and compound lie. It follows then that his promotion to the high office aforementioned places a premium on men in whose office a spirit and custom is maintained, which is more deadly than the assassin's hand. So also did you receive another pamphlet with copies of letters which had been addressed to this President, the Honorable William H. Taft, reviewing the subject-matter in the writ of mandamus aforementioned.

This last pamphlet, "Roundup of the American Foreign Service," and copies of letters addressed to Mr. Taft at Houston, Texas, May 23, 1910, were received by you in the chamber of the Senators, prior to the adjournment of the Senate. Nevertheless, you did not take any action in the matter to safeguard the public interests in demanding an investigation of the said gentlemen, Messrs. Pierce, Bacon and Sleeper; but by your silence and inactivity inferentially condoned these men.

Therefore, do I ask now that you will advise me by letter within the week, whether you will cause such committee of the Senate to be appointed, as soon as the Senate may convene in December for the purposes afore indicated, or whether you will refuse to cause such committee to be appointed.

I have the honor to remain,

Your servant,

DR. J. EDWARD BUCKLEY.

By registered mail.

IN THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

Law. No. 52927.

UNITED STATES OF AMERICA *ex Rel.* JAMES EDWARD BUCKLEY, *Plaintiff.*
vs.

PHILANDER C. KNOX, *Secretary of State of the United States of America,*
Defendant.

To the Honorable the Justices of the Supreme Court of the District of Columbia:

The petitioner, James Edward Buckley, respectfully shows to the Court as follows:

1. He is a citizen of the United States and a resident of the City of Chicago, State of Illinois.

2. The defendant, Philander C. Knox, is the Secretary of the United States of America, and as such, is by virtue of his office the legal custodian of all public correspondence and public documents relating to the affairs of the Department of State and is sued in his official capacity as such.

3. Between the years 1896 and 1898 the petitioner was residing in the City of Bogota, Republic of Colombia, and was engaged in securing railroad and steamboat concessions in said Republic for the purpose of developing and transporting the commerce between the Magdalena and Amazon Rivers through the said Republic of Colombia to the ports of the United States, and was also engaged in negotiating for concessions for a continuation of the aforesaid line through Brazil to make a juncture with the Argentine railroad line. The purpose and effect of the plans of the petitioner if carried out would have been to divert the main portion of the South American Commerce from Europe to the United States.

4. The petitioner in his work aforesaid in the City of Bogota was representing an American syndicate of which he was a member, the other members of the said syndicate being Mr. Arthur E. Stillwell, then of Kansas City, now of New York, and President of the Kansas City, Mexican and Oriente Railway, Mr. E. L. Martin, Judge J. McD. Trimble, Mr. Robert Gilham, and Mr. C. A. Braley, all of Kansas City, Missouri.

5. During the time while the petitioner was so engaged as aforesaid in the City of Bogota, Jacob Sleeper, Esq., was United States Consul General and also Secretary of the United States Legation of Bogota. The said Jacob Sleeper grossly violated his duties as an American official by failing to give the petitioner the protection to which he was entitled as an American citizen, and through his neglect of official duty placed in jeopardy the liberty of the petitioner and his business interests in Colombia.

On March 30, 1906, the petitioner filed with the President of the United States, Hon Theodore Roosevelt, a report dated February 26, 1906, setting up the delinquencies and misconduct of the said Jacob Sleeper on matters relative to the business matters of the petitioner at Bogota. In said report he made the following charges against said Sleeper:

First. Retaining in office as the Vice-Consul General, W. G. Boshell, Esq., an importer of British goods—pages 17 and 23.

Second. Mr. Jacob Sleeper, Esq., Consul General and Charge de Affairs, concealed the fact from the Department of State, that W. G. Boshell, had resigned and left for London where he thereafter sojourned, purposely keeping the Government in ignorance, from February 14, 1897, until December 1, 1897, see dispatch No. 56, December 1, '97, Department of State.

Third. Jacob Sleeper, Esq., Charge d'Affaires, endeavored to humiliate and insult the American Consul at Handa, Colombia, June 26-31, 1897, page 13.

Fourth. Jacob Sleeper, Esq., jeopardized the liberty of an American Citizen and American interests August, 1896.

The President of the United States caused the aforesaid report and charges to be referred to the Department of State. After the reference of said report to the Department of State as aforesaid, the Hon. H. H. D. Pierce, Third Assistant Secretary of State, now U. S. Minister to Norway by letter dated April 11, 1906, advised the petitioner that his request to the effect that the Department investigate the charges which he had filed against said Jacob Sleeper "Would not commend itself to the Department." In the meantime, on April 7, 1906, the petitioner addressed a second communication to the President, who, as in the first instances referred the same to the Secretary of

State, and thereafter the petitioner received from the Hon. H. H. D. Pierce a reply dated April 16, 1906, in which the petitioner was advised "that the Department's attitude toward your case is expressed in its letter to you of the 11th instant." On the 13th of April, 1906, the petitioner had replied to the letter of the said Pierce of the 11th instant and under date of the 18th instant the petitioner received a reply to his said letter of the 13th instant as follows:

"You evidently did not comprehend the full meaning of the Department's letter of the 11th instant. The Department intended that letter to convey the idea that your complaint against former members of the American Legation who were at Bogota at that time was not one which would be given consideration."

6. Upon receipt of this declaration upon the part of the Department of State that it would refuse to investigate or even consider charges filed against members of the American Foreign Service by an American citizen sojourning and doing business in a foreign country, the petitioner addressed the following letter to each of the Senators of the United States:

SIR: Accompanying please find communication to our President, who kindly referred the matter to the Department of State; also, action taken thereon by Third Assistant Secretary of State—Hon. Herbert H. D. Pierce.

Recently the Foreign Service was brought to the attention of the Department of State, which seemingly failed to find adequate cause for existing conditions. The fault rests primarily, in the person of the Third Assistant Secretary of State which is herein demonstrated now as well as in the past. You are respectfully referred to the archives of said Department, relative to W. G. Boshell, Esq., which I think will cover affairs of the Legation in general.

A British subject or Colony has power to cause action in the presence of their representatives; but, with us, the Third Assistant Secretary, weighs the political backing which sent the gentleman to his post, in point perhaps of personal prospective favors.

In consequence our foreign commerce suffers. Since I began my South American work the foreign commerce has increased \$110,000,000 gold annually, of which Great Britain controls \$45,000,000, Germany \$60,000,000 and the United States only \$5,000,000.

Adjusting the methods of the Third Assistant Secretary will correct the defects in our Consular Service, since now they recognize that protest of an American citizen or Colony is passed to a pigeon-hole.

Your Obedient Servant,

DR. J. EDWARD BUCKLEY.

The petition received replies to said letter from practically all Senators, except certain patrician Senators from New England, and among the Senators who became interested in the case of the petitioner as an American citizen, were Senators Charles Dick, Stephen B. Elkins, Robert M. LaFollette, M. G. Bulkeley, G. C. Perkins, A. J. Beveridge, and C. A. Culbertson. Senator Charles Dick immediately took the matter in hand and pressed the case with the Department of State to ascertain why the investigation asked for by the petitioner would not be made. In order to put an end to the pressure thus brought upon the Department of State, the Hon. Robert Bacon, then Acting Secretary, now U. S. Ambassador to France on the 16th of May, addressed an adroitly constructed communication to Senator Dick for the purpose of discrediting the statement of the petitioner by advising said Senator that one McKinney and one Hart, who were also mentioned in the petitioner's report to the President, were no longer employed in the Diplomatic Service.

7. Thereafter, on May 28, 1906, the petitioner addressed a further communication to said Robert Bacon, as Acting Secretary of State, setting up specifically the aforesaid charges against said Sleeper alone, who was then and as your petitioner still believes, is a member of the Foreign Service, and is now stationed at Berne, Switzerland. On the 6th day of June, 1906, the said Robert Bacon acknowledged the receipt of the letter of the petitioner, dated May 28, 1906, and making charges against said Sleeper aforesaid, and which were already on file in the report to the President, dated February 26, 1906, aforesaid.

8. In reply to inquiries made by a representative of the Herald Bureau, as your petitioner is advised and believes, the said Assistant Secretary Pierce denied on or about June 8, 1906, that he had received charges against said Sleeper and for that reason could not have refused to have acted in the matter, and on or about the same time, in the Office of Assistant Secretary Bacon, it was also denied that the letter of the petitioner, dated May 28, 1906, as aforesaid, had been received, as will appear by reference to the following quotation which was published in the New York Herald June 8, 1906:

SLEEPER CHARGES NOT FOUND.

DR. BUCKLEY COMPLAINS THAT THE STATE DEPARTMENT HAS SUPPRESSED HIS SPECIFICATIONS.

Herald Bureau,
No. 734, Fifteenth St., N. W.,
Wash., D. C., Thursday.

J. Edward Buckley, M. D., of No. 180 West Madison Street, Chicago, in a letter directed to Mr. Robert Bacon, Assistant Secretary of State, accuses the Third Assistant Secretary of State, Mr. H. H. D. Pierce, with having refused to investigate or take any action on charges he has made against Jacob Sleeper, now Secretary of Legation at Havana, but formerly stationed in like capacity at the legation in Bogota. Dr. Buckley makes four charges against Mr. Sleeper.

Assistant Secretary Pierce said today that he had received no charges against Mr. Sleeper, and for that reason could not have taken any action or have refused to do so. In Assistant Secretary Bacon's office it is said that the letter quoted has not been received."

9. The petitioner avers that the failure and refusal of the Department of State to investigate the charges made by your petitioner has been not only a great injustice to him, but a serious injury to the public service of the United States. In order that justice may be done and that the matter in question may be properly investigated, this petitioner desires to file with the Committee on Foreign Relations of the United States Senate a full account of the conduct of the said Jacob Sleeper toward the petitioner and his business while in Bogota, and in order to do so, it is necessary for him to inspect the reports made in reference to the petitioner and his business affairs by the foreign office of the United States at Bogota between the years 1896 and 1898. He has repeatedly called upon the Department of State for the privilege of inspecting said reports as contained in its files, but they have refused to make any reply whatever to the communications of the petitioner, the last of which was addressed to the Hon. Huntington Wilson of said Department under date of September 21, 1910. Your petitioner is advised and believes that the said report, being public records and relating to the matters in which this petitioner is interested, he has the right to inspect and examine the same.

WHEREFORE, the premises considered, the petitioner prays as follows:

1st: That a writ of mandamus be issued, commanding and requiring the said Philander C. Knox, Secretary of State, to allow this petitioner to examine and make copy of the reports made by the United States Legation at Bogota in reference to the business affairs of this petitioner, or charges made by him as aforesaid against said Jacob Sleeper.

2nd: That a rule may be issued and served upon the defendant requiring him to appear and show cause on the day named why the prayer of this petitioner should not be granted.

And for such other and further relief as to the Court may seem necessary and proper.

JAMES EDWARD BUCKLEY.

I, James Edward Buckley, being first duly sworn, on oath state that I have read the foregoing petition by me subscribed and know the contents thereof; that the matters and things therein contained as of my own knowledge are true, and those stated upon information and belief I believe to be true.

Filed by petitioner in his own proper person.

JAMES EDWARD BUCKLEY,
Plaintiff.

Subscribed and sworn to before me this 24th day of September, A. D., 1910.

(Signed)

JOHN F. A. BECKER,
Notary Public, D. C.

This petition for writ of mandamus Law No. 52927, was denied by the Superior Court of the District of Columbia; hence the petitioner did not ask "That a rule be issued, etc.," in the petitions Law numbers 52860- & 52946.

H. C. LODGE, CHAIRMAN.

UNITED STATES SENATE
COMMITTEE ON THE PHILIPPINES

Barristers Hall, Boston,

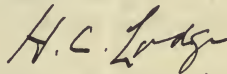
Nov. 11, 1910.

My dear Sir:-

I have your letter of the 8th. I have no authority to cause a committee of the Senate to be appointed to investigate the charges which you have preferred against Mr. Bacon, Mr. Sleeper and Mr. Pierce as this is a matter for the attention of the Secretary of State or the President. I suggest, therefore, that you bring the matter to their attention.

Very truly yours,

Dr. J. Edward Buckley,
Washington, D.C.



It will be seen in the following letters by the Acting Secretary of State, the Honorable Robert Bacon, now American Ambassador at Paris, that the suggestions vouchsafed by the Honorable Henry C. Lodge, in his letter November 11, 1910, were complied with February 26, 1906, resulting Mr. Bacon artfully shielding Mr. Sleeper, who was at the time Secretary of the Legation at Havana, and at the same time depriving me of the services of the Honorable Charles Dick, United States Senator from Ohio. Mr. Sleeper was transferred to Caracas, later to Siam, and last to Berne, from which post he withdrew recently.

DEPARTMENT OF STATE, WASHINGTON, May 16, 1906.

Dr. J. Edward Buckley, Chicago, Illinois.

SIR: I have to acknowledge the receipt, by reference from the President, of your letter of the 26th ultimo, making certain charges against Mr. Luther F. McKinney and Mr. Charles Burdett Hart, formerly Ministers of the United States to Colombia.

In reply I enclose for your information copy of a letter, regarding your complaint, addressed by the Department to the Honorable Charles Dick.

I am, Sir,

Your obedient servant,

(Signed)

ROBERT BACON,
Acting Secretary.

Enclosure: To Honorable Charles Dick, May 16, 1906.

G.

DEPARTMENT OF STATE, WASHINGTON, May 16, 1906.

Honorable Charles Dick, United States Senate.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo enclosing a complaint from Dr. J. Edward Buckley.

In reply I have the honor to say that Dr. Buckley in a letter to the Department, dated February 26, 1906, complained that he had been injured by certain acts of Messrs. Luther McKenney and Charles B. Hart, former ministers of the United States to Colombia.

Dr. Buckley further requested the appointment of an investigating committee to examine his complaints. Both of the gentlemen complained of have long been separated from the diplomatic service of the United States, and indeed, so far as the Department is aware, have no connection with this Government in any capacity whatever at this time. It is clear, therefore, that even if it were the proper course to pursue, the appointment of an investigating Committee such as is requested by Dr. Buckley would be not only impracticable, but fruitless. The Department therefore in replying to his letter under date of April 11th last, said:

"The Department is unable to comply with your request. Neither of the gentlemen of whom you complain is now in the service of this Government, but even if they were the action requested by you would not commend itself to the Department as the course to be followed in complaints of this character."

An examination of the printed pamphlet transmitted to you by Dr. Buckley, will make it manifest that this is a case in which the Department can properly take no action.

If Dr. Buckley should consult private counsel he would be advised as to any remedy he may have in the matter.

I have the honor to be, Sir,

Your obedient servant,

ROBERT BACON,
Acting Secretary.

[9300]

**Lithomount
Pamphlet
Binder**
Gaylord Bros., Inc.

Makers
Stockton, Calif.
PAT JAN. 21, 1908

